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W.M.P.No.29530 of 2023 in W.P.No.5475 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2023

CORAM :

THE HON'BLE MR. JUSTICE S.S.SUNDAR
AND
THE HON'BLE MR.JUSTICE SUNDER MOHAN

W.M.P.No.29530 of 2023 in W.P.No.5475 of 2023

Mohideen Fathima
W/o Deen

..

Petitioner

v.

1. The State of Tamil Nadu
represented by its Secretary
Home Department
Fort St.George
Chennai 600 009

2. The Superintendent of Central Prison
Palayamkottai Central Prison
Tirunelveli District

..

Respondents

Writ Miscellaneous Petition filed under Article 226 of the Constitution of India, praying to grant bail to the lifer Sidhique Ali @ Sultan, CT.No.7365 for six months, pending disposal of the representation dated 02.02.2023 concerned in W.P.No.5475 of 2023 posted for compliance by this Hon'ble Court.

For Petitioner :: Mr.R.Sankarasubbu



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For Respondents :: Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

(Order of the Court was made by S.S.SUNDAR,J.)

This writ miscellaneous petition has been filed by the petitioner seeking interim bail to the life convict, namely, Sidhique Ali @ Sultan (CT.No.7365), pending disposal of the representation dated 02.02.2023 concerned in W.P.No.5475 of 2023.

2. The petitioner prays for premature release of her son, the life convict prisoner. However, it is stated that the petitioner's request for premature release is pending before the Hon'ble Governor. The learned Additional Public Prosecutor, on instructions, submitted that the earlier case in W.M.P.No.27482 of 2023 in W.P.No.16127 of 2020 as well the present case, do not fall under the Advisory Board Scheme. It is also stated that on the basis of the report of Hon'ble Mr.Justice N.Authinathan Committee, orders have been obtained from the Hon'ble Chief Minister of Tamil Nadu and it is now pending before the Hon'ble Governor for approval. Recording



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the facts relating to the decision of the State Government, the previous Bench of this Court, in several other cases, taking note of the fact that the matter relating to premature release is now pending before the Hon'ble Governor and also taking note of the fact that the petitioners are in prison for more than 23 years, has granted interim bail to the petitioners therein subject to conditions. Learned Additional Public Prosecutor has no serious objections for passing similar orders subject to same conditions.

3. In view of the factual matrix, this Court is inclined to grant interim bail subject to the following conditions:-

(i). The prison inmate, namely, Sidhique Ali @ Sultan (Convict No.7365), who is now confined at Central Prison, Palayamkottai, shall be released as an interim measure for a period of three months subject to his furnishing bail bonds of value of Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for a likesum to the satisfaction of the trial Court [The Additional District & Sessions Judge (Fast Track Court)] at Tiruchirappalli.

(ii). Prison inmate is directed to report once in a month to the local Police Station (Melapalayam Police Station, Tirunelveli). The State authorities



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shall submit a report with regard to the conduct of the prison inmate before expiry of the period of three months. Prison inmate will not leave the State of Tamil Nadu without informing the local Police Station in writing at least three days in advance and shall keep them posted about his whereabouts. Accordingly, this writ miscellaneous petition is ordered.

Index : yes/no

(S.S.S.R.,J.)

(S.M.,J.)

Neutral citation : yes/no

13.10.2023

ss

To

1. The Secretary to Government
Home Department
Fort St.George, Chennai 600 009
2. The Superintendent of Central Prison
Palayamkottai Central Prison
Tirunelveli District
3. The Additional District & Sessions Judge
Fast Track Court, Tiruchirappalli
4. The Public Prosecutor
High Court, Madras



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S.S.SUNDAR,J.

AND

SUNDER MOHAN,J.

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